

1 Peter R. Afrasiabi (SBN 193336)
2 Email: pafrasiabi@onellp.com
3 Christopher S. Skinner (SBN 342830)
4 Email: cskinner@onellp.com
5 **ONE LLP**
6 23 Corporate Plaza, Suite 150-105
7 Newport Beach, CA 92660
8 Telephone: (949) 502-2870
9 Facsimile: (949) 258-5081

6 Attorney for Plaintiff,
PAUL VELGOS, d/b/a PAUL VELGOS
7 PHOTOGRAPHY

8

9

13 PAUL VELGOS, an individual, d/b/a
PAUL VELGOS PHOTOGRAPHY,

15 Plaintiff,

16

17
18 NEUROLOGICS, INC., a Nevada
corporation; and DOES 1-10, inclusive,

Defendants.

Case No.

COMPLAINT FOR COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)

DEMAND FOR JURY TRIAL

21

22

22

24

25

27

28

COMPLAINT

1 Plaintiff Paul Velgos, d/b/a Paul Velgos Photography (“Plaintiff” or
 2 “Velgos”), by and through his attorneys of record, complains against Defendants
 3 Neurologics, Inc. (“Defendant” or “Neurologics”), and DOES 1-10, inclusive
 4 (collectively, “Defendants”), as follows:

5 **JURISDICTION AND VENUE**

6 1. This is a civil action against Defendants for their acts of copyright
 7 infringement in violation of the United States Copyright Act, 17 U.S.C. §§ 101 et
 8 seq.

9 2. This Court has subject matter jurisdiction over this copyright
 10 infringement action under 28 U.S.C. § 1331, 17 U.S.C. § 501(a), and 28 U.S.C. §
 11 1338(a).

12 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (c)
 13 in that the claim arises in this judicial district, the Defendants transact business in
 14 this judicial district, and the injury suffered by Plaintiff took place in this judicial
 15 district. Defendants are subject to the general and specific personal jurisdiction of
 16 this Court because of their contacts with the State of California.

17 **PARTIES**

18 4. Plaintiff Paul Velgos, d/b/a Paul Velgos Photography, is an individual
 19 residing in Indiana.

20 5. Plaintiff is informed and believes, and upon such alleges, that
 21 Neurologics, Inc. is a corporation formed under the laws of the state of Nevada with
 22 its principal place of business in Henderson, Nevada, and has multiple locations
 23 throughout California, including at Fashion Island in Newport Beach, California (as
 24 discussed herein on the infringed photo).

25 6. DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore
 26 sues said Defendants by such fictitious names. Plaintiff will ask leave of Court to
 27 amend this Complaint and insert the true names and capacities of said Defendants
 28 when the same have been ascertained. Plaintiff is informed and believes, and upon

1 such alleges, that each of the Defendants designated herein as a “DOE” is legally
 2 responsible in some manner for the events and happenings herein alleged, and that
 3 Plaintiff’s damages as alleged herein were proximately caused by such Defendants.

4 **STATEMENT OF FACTS**

5 *Plaintiff’s Business and the Photographs Forming the
 6 Subject Matter of This Dispute*

7. As part of its business as a prominent photography agency, Plaintiff
 8 Velgos is hired by a multitude of top-tier media outlets. Many thousands of Velgos’s
 9 images have been purchased for use in movies, television, books, magazines,
 10 websites, print wall decor, and much more. Velgos’s images have been licensed by
 11 some of the world’s most well-known businesses, including Google, Warner Bros.,
 12 Marriott, Wyndham Hotels & Resorts, Bureau of Alcohol, Tabacco, Firearms and
 13 Explosives, Fifth Third Bank, Chicago Magazine, Los Angeles Magazine, Orange
 14 Coast Magazine, Marcus & Millichap, and Jewel Foods. Examples of projects and
 15 clients are on Velgos’s website. Velgos frequently works directly with businesses
 16 and also partners with advertising agencies, art consultants, and design consultants
 17 on projects.

18. Velgos has created many stylized and valuable photographs of high-
 19 quality cityscape, landscape, real estate, and beach photography that emphasizes
 20 unique scenes and tones. Among them is a photograph which frames the subject
 21 matter of the dispute. This photograph is a photograph of the famed Fashion Island
 22 sign at Newport Beach, California (the “Photo”), one of the most exclusive and
 23 significant fashion and commercial retail locations in the country. A true and correct
 24 copy of the Photo is attached hereto as Exhibit A.

25. Velgos timely registered the Photo with the United States Copyright
 26 Office on April 22, 2012, well before Defendants’ copyright infringement. A true
 27 and correct copy of the copyright registration certificate is attached hereto as Exhibit
 28 B.

The Defendants and the Marketplace

2 10. Neurologics, according to its website (neurologics.com), is a
3 “technology company which combines proprietary imaging and optimization
4 technology with mainstream neuroscience and cutting-edge medicine,” offering
5 “brain mapping” and “neuroengineering” services. Neurologics’ website states that
6 it “offers custom-designed, non-invasive, drug free optimization programs for
7 individuals struggling with cognitive deficits related to brain injury, ADD/ADHD,
8 substance abuse, and more,” by utilizing an electroencephalogram (EEG) combined
9 with “proprietary software that creates a precise assessment” of electric signals in
10 the customer’s brain, then having “expert clinicians guide a series of sessions that
11 pair specific brain-training exercises with real-time qEEG analysis.”

11. On information and belief, Defendants offer these services through
12 clinicians at each of their “assessment centers.”

14 12. On information and belief, Defendants recently opened a new
15 assessment center in Newport Beach, California. Defendants' website states, in
16 bright yellow at the bottom of all the pages contained therein, "Newport Beach
17 Assessment Center Now Open!"

18 13. On information and belief, Defendants operate the Facebook page
19 located at <https://www.facebook.com/Neurologics>. On June 21, 2023, Defendants
20 made a post on their Facebook page stating “[w]e’re excited to announce the
21 opening of Neurologics Newport located in the heart of Fashion Island!” with the
22 Photo attached. The Photo is not licensed to Defendants or authorized by the owner
23 to be present for advertising.

24 | / / /

25 | //

26 | //

27 | //

28 | //

14. Plaintiff's Photo and Defendants' infringing Facebook post are reproduced here:

Velgos's Registered Photo:



Fashion Island Sign in Newport Beach California is a photograph by Paul Velgos which was uploaded on November 9th, 2012.

Infringing Use by Defendants:

A screenshot of a Facebook post from the page "Neurologics - with Fashion Island and 2 others of Fashion Island". The post, made on June 21, 2018, at 10:45 AM, announces the opening of Neurologics Newport located in the heart of fashion island. It includes a photo of the exterior of the building with a sign that says "FASHION ISLAND" and "NEUROLOGICS". The post has 4 comments and 4 shares. Below the post, there is a comment from Paul Velgo Photography, followed by several replies from users like Michael Spiegel, Ryan Weber Miller, and Karen Odell Miller, expressing gratitude for the hard work.

111

111

111

111

111



(<https://www.facebook.com/Neurologics.>)

15. Plaintiff is informed and believes, and based thereon alleges, that Defendants have violated federal law by infringing Velgos's copyright to at least the Photo identified in Exhibit A. Specifically, Defendants reproduced, modified and created a derivative version, and then distributed and publicly displayed, and uploaded and hosted on their Facebook page, the Photo and/or derivatives thereof without permission, consent, or license for the purposes of trade, specifically to promote Neurologics' brand and services, using Velgos's Photo to advertise such services.

16. Velgos has never sold or licensed the Photo to Defendants for use.

17. Plaintiff is informed and believes, and based thereon alleges, that Defendants have driven significant traffic to Neurologics' Facebook page and website as a result of their use of the Photo. All of this traffic translates into substantial ill-gotten commercial advantage and revenue generation for Defendants as a consequence of their infringing actions.

18. The infringement is also willful because, on information and belief, Defendants took the Photo and cropped or otherwise removed Plaintiff's watermark from the Photo. As shown in the images above, the watermark exists on Plaintiff's Photo, but is missing from Defendants' infringing post where the infringement was cropped just at the point to remove the watermark.

1
2 **FIRST CAUSE OF ACTION**

3 **(Copyright Infringement - 17 U.S.C. § 501)**

4 **(By Plaintiff Against All Defendants)**

5 19. Plaintiff incorporates by reference the allegations in paragraphs 1
6 through 18 above as though fully set forth herein.

7 20. Velgos is the rightsholder to the copyright of the Photo, which
8 substantially consists of wholly original material that constitutes copyrightable
9 subject matter under the laws of the United States. Velgos has complied in all
10 respects with the Copyright Act and all of the laws of the United States governing
11 copyrights. The Photo has been timely registered with the United States Copyright
12 Office.

13 21. Defendants have directly, vicariously, and/or contributorily infringed,
14 and unless enjoined, will continue to infringe Velgos's copyright by reproducing,
15 displaying, distributing, and utilizing the Photo for purposes of trade without
16 authorization of or payment to Velgos in violation of 17 U.S.C. § 501 et seq.

17 22. Defendants have willfully infringed, and unless enjoined, will continue
18 to infringe Velgos's copyrights by knowingly reproducing, displaying, distributing,
19 and utilizing the Photo for the purposes of trade, specifically to promote the
20 Neurologics brand.

21 23. Velgos is informed and believes, and upon such alleges, that
22 Defendants, despite such knowledge, willfully reproduced and distributed the Photo,
23 without any right to do so.

24 24. Defendants have received substantial benefits in connection with the
25 unauthorized reproduction, distribution, and utilization of the Photo for purposes of
26 trade, including by increasing the traffic to their Facebook page and the use of their
27 services.

25. Defendants' unauthorized actions were performed without Velgos's permission, license, or consent.

26. Defendants' wrongful acts have caused, and are causing, great injury to Velgos, of which damages cannot be accurately computed, and unless this Court restrains Defendant from further commission of said acts, Velgos will suffer irreparable injury, for all of which he is without an adequate remedy at law. Accordingly, Velgos seeks a declaration that Defendants are infringing Velgos's copyrights and an order under 17 U.S.C. § 502 enjoining Defendants from any further infringement of Velgos's copyrights.

27. As a result of Defendants' wrongful acts alleged herein, Velgos has suffered and is suffering substantial damage to his business in the form of diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of the value of his rights, all of which are not yet fully ascertainable.

28. Velgos is entitled to an award of statutory damages under the law.

29. Alternatively, at his discretion, Velgos is entitled to actual damages in an amount to be proven at trial for the infringement of the Photo.

30. Velgos is also entitled to his attorney's fees and costs in prosecuting this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. That the Defendants, their officers, agents, servants, employees, representatives, and attorneys, and all persons in active concert or participation with them, be permanently enjoined from designing, copying, reproducing, displaying, promoting, advertising, distributing, or selling, or any other form of dealing or transaction in, any and all advertising and promotional materials, print media, signs, Internet websites, or any other media, including any social media such as Facebook, either now known or hereafter devised, bearing any design or mark which infringes,

1 contributorily infringes, or vicariously infringes upon Velgos's rights in the Photo at
2 issue;

3 2. For actual damages and disgorgement of all profits derived by
4 Defendants from their acts of copyright infringement and reimbursement to Velgos
5 for all damages suffered by it by reason of Defendants' acts pursuant to 17 U.S.C.
6 §§ 504(a)(1) & (b);

7 3. For an accounting of all profits, income, receipts, or other benefit
8 derived by Defendants from the reproduction, copying, display, promotion,
9 distribution, or sale of products and services, or other media, either now known or
10 hereafter devised that improperly or unlawfully infringes upon Velgos's copyright
11 pursuant to 17 U.S.C. § 504(a)(1) and (b);

12 4. For statutory damages for Defendants' copyright infringement,
13 including willful infringement, in accordance with 17 U.S.C. §§ 504(a)(2) & (c);

14 5. For costs and interest pursuant to 17 U.S.C. §§ 504(a)(1) & (b) and
15 505;

16 6. For reasonable attorneys' fees incurred herein pursuant to 17 U.S.C. §
17 505; and

18 7. For any such other and further relief as the Court may deem just and
19 appropriate.

20
21 Dated: June 18, 2025

ONE LLP

22
23 By: /s/ Peter R. Afrasiabi
Peter R. Afrasiabi

24 Christopher S. Skinner

25 Attorneys for Plaintiff,

26 Paul Velgos, d/b/a Paul Velgos

Photography

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all claims and all issues properly triable thereby.

Dated: June 18, 2025

ONE LLP

By: /s/ Peter R. Afrasiabi

Peter R. Afrasiabi

Christopher S. Skinner

Attorneys for Plaintiff.

Paul Velgos, d/b/a Paul Velgos

Photography